IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11388 of 2005

Between:

1. Bojja Ramalinga Reddy S/o Ramachandra Reddy
Aged about 44 years, R/o H.No.1/116, Madras Road,
China Chowk, Kadapa.

2. A.V.K.V.Nageswara Rao S/o A.Obaiah, 38 years,

R/o H.No.1/102A, Madras Road , china Chowk, Kadapa.

3. A.Srinivasulu, S/o A.Obaiah, 53 years,

R/o. H.No.1/102-B, Madras Road, china chowk, Kadapa.

4. G.Venkata Subbamma, W/o Raja Rao, 43 years,

R/o H.No.1/323/2, Madras Road, Chinna chowk, Kadapa.

..... PETITIONERS

AND

1. The District collector, Kadapa, Kadapa District.
2. The Commissioner, Kadapa Municipal corporation, Kadapa.
3. The Deputy Director, Survey & land Records, Kadapa.
4. The Revenue Divisional Officer, Kadapa.
5. The Mandal Revenue Officer, Kadapa, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in seeking to demolish the buildings of the petitioners bearing Door Nos.1/116, 1/102-A, 1/102-B and 1/323-2, situated at Madras Road, Chinna Chowk, Kadapa, without acquiring the same and without following the due process of law, as illegal, arbitrary, violative of principles of natural justice and consequently direct the respondents not to demolish the same.

Counsel for the Petitioner: MR.P.GANGA RAMI REDDY

Counsel for the Respondents 1,3,4 & 5: GP FOR REVENUE

Counsel for respondent No.2: Mr. S.I.Newton

The Court made the following:

ORDER:

It is stated that the petitioners are the absolute owners of the buildings bearing Door Nos.1/116, 1/102-A, 1/102-B and 1/323-2 situated at Madras Road, Chinna Chowk of Kadapa town. The respondents, in the process of widening of the road, sought to demolish the structures of the petitioners by taking away the portions of the lands of the petitioners without following due procedure prescribed under the Municipal Corporation Act (for short 'the Act').

Under the Act, the land of the private citizens can be taken either by way of private negotiations or by paying compensation and if they do not agree for the private negotiations, the only course open to the respondents is to initiate the land acquisition proceedings.

Accordingly, the respondents are directed not to demolish the structures of the petitioners or take any portion of their land without following due procedure prescribed under law.

The writ petition is disposed of accordingly. No costs.

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V.ESWARAIAH, J

Dated 17th May, 2005.

YCR/ES

To

1. The District collector, Kadapa, Kadapa District.
2. The Commissioner, Kadapa Municipal corporation, Kadapa.
3. The Deputy Director, Survey & land Records, Kadapa.
4. The Revenue Divisional Officer, Kadapa.
5. The Mandal Revenue Officer, Kadapa, Kadapa District.

6. 2 CCs to GP for Revenue, High Court Bldgs., Hyderabad.

7. 2 C.D. copies